



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|---------------------|------------------|
| 09/736,052   | 12/13/2000  | Johnie B. Vandergriff | 26341.00            | 6590             |
| 7590 08/06/2004  |             |                       |                     |                  |
| JOHN VANDERGRIF<br>629 RED HILL ROAD<br>HARROGATE,, TN 37752 |             |                       |                     |                  |
| EXAMINER<br>FLANDRO, RYAN M                                  |             |                       |                     |                  |
| ART UNIT   |             | PAPER NUMBER          |                     |                  |
| 3679   |             | 712                   |                     |                  |

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/736,052      | 12/13/2000  | Johnie B. Vandergriff | 26341.00            | 6590             |

7590 01/23/2004

PITTS AND BRITTAIN, P.C.  
P.O. BOX 51295  
KNOXVILLE, TN 37950

| EXAMINER |
|----------|
|----------|

FLANDRO, RYAN M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3679

DATE MAILED: 01/23/2004

*Remailed  
8-6-04*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/736,052

Applicant(s)

VANDERGRIFT, JOHNIE B.

Examiner

Ryan M Flandro

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 03 July 2003. These drawings are acceptable.

### *Claim Objections*

2. Claim 4 is objected to because of the following informalities: the word "spaced" in line 3 of the claim should be changed to recite a --spacer--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker (US 4,982,932).

- a. Claim 1. Baker (figures 2, 4, 10 and 11) shows a bracket **30** adapted to be mounted on a conventional stake **40**, said bracket **30** defining a central portion **31,32,33** configured to substantially encompass a portion of the stake **40** and a pair of terminal ends **34,35** disposed parallel to one another; a wire receiving member **70** disposed between said terminal ends **34,35** of said bracket **30**, said wire receiving member **70** defining a central opening **75**, said central opening **75** configured to define an exposed portion disposed above said bracket terminal ends **34,35**, said exposed portion of said

central opening **75** being provided for loosely receiving the trellis wire **W**; and a fastener **42** for fixing a relative position of said wire receiving member **70** and said bracket **30**.

b. Claim 2. Baker further shows (see figures 2, 4, 10 and 11) a spacer **71** disposed between said wire receiving member **70** and one of said pair of bracket terminal ends **34,35**.

*Allowable Subject Matter*

6. Claims 6 and 7 are allowed.

7. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

a. Claim 3. The prior art, including Baker, Gerhart, Ingersoll, Post and Hanson, either alone or in combination, fails to disclose or teach the post of said fastener received through said pair of cooperating openings of said pair of bracket terminal ends **and** said central opening of said wire receiving member. Claim 4 depends therefrom.

b. Claim 5. The prior art, including Baker, Gerhart, Ingersoll, Post and Hanson, either alone or in combination, fails to disclose or teach said fastener being actuated when said wire receiving member is disposed in said second position.

c. Claim 6. The prior art, including Baker, Gerhart, Ingersoll, Post and Hanson, either alone or in combination, fails to disclose or teach the post of said fastener received through said pair of cooperating openings defined by said pair of bracket terminal ends *and* said central opening of said wire receiving member, as well as said fastener being tightened when said wire receiving member is disposed in said second position.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to wire hangers:

U.S. Patent 6,325,347 to Crichton (see figures 1-4)

U.S. Patent 5,593,142 to Gerhart (see figures 1-4)

U.S. Patent 2,291,430 to Ingersoll (see figures 1-9)

U.S. Patent 1,288,572 to Hanson (see figures 1, 2, 4 and 5)

U.S. Patent 1,028,962 to Post (see figures 1-3)


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Art Unit: 3679

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

RMF

  
**Lynne H. Browne**  
*Supervisory Patent Examiner*  
**Technology Center 3670**